

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DENHOLLANDER, et al.,	)	Lead Case No. 1:17-cv-00029-GJQ- ESC
	)	and all Member Cases and Related Cases
Plaintiffs,	)	
v.	)	
	)	
MICHIGAN STATE UNIVERSITY, et al.,	)	Hon. Gordon J. Quist
	)	
Defendants.	)	
	)	

**JOINT STATUS REPORT REGARDING  
EFFECT OF BANKRUPTCY COURT ORDERS**

Now come defendants Michigan State University, the Board of Trustees of Michigan State University, and Michigan State University Sports Medicine Clinic (collectively, “MSU”); Douglas Dietzel, Lianna Hadden, Kathie Klages, Jeffrey Kovan, Brooke Lemmen, Kristine Moore, Lou Anna K. Simon, William Strampel, Gary Stollak, and Destiny Teachnor-Hauk (collectively with MSU, the “MSU Defendants”); Twistars USA, Inc. and John Geddert (the “Twistars Defendants”); and United States Olympic Committee (“USOC”), by and through their undersigned attorneys, and hereby submit this Joint Status Report pursuant to this Court’s Order of April 25, 2019 (ECF No. 1110):

**A. Effect of Stipulated Bankruptcy Court Order**

1. On April 23, 2019, Defendant USA Gymnastics, Inc. (“USAG”) filed a notice of two orders entered by the United States Bankruptcy Court for the Southern District of Indiana (the “Bankruptcy Court”) in the case of *In re USA Gymnastics, Inc.*, Case No. 18-09108-RLM-11. (ECF No. 1109.) Exhibit B of USAG’s filing, Agreed Stipulation and Order Pursuant to 11 U.S.C. § 105 Enjoining the Continued Prosecution of Certain Pre-Petition Lawsuits (the “Agreed

Stipulation and Order”) (ECF No. 1109-2), provides, among other things, that “[p]ursuant to 11 U.S.C. § 105(a) and the agreement of the signatories to this Order, the Lawsuits set forth on Exhibit 1 are hereby stayed in their entirety.” (ECF No. 1109-2 at PageID.26821.)

2. This Agreed Stipulation and Order did not stay the remaining cases against the MSU Defendants.

3. The MSU Defendants are not signatories to the stipulation and were not brought within the jurisdiction of the Bankruptcy Court for purposes of the Agreed Stipulation and Order or any other purpose.

4. USAG has agreed to sign on to this paragraph of this status report in order to state that the Agreed Stipulation and Order was not intended to bind the MSU Defendants; it was intended to bind only the signatories to the Agreed Stipulation and Order. (ECF No. 1109-2 at PageID.26822-41.)

**B. Status of Cases Against Twistars**

5. The Twistars Defendants have reached a tentative settlement of all pending cases in which they are parties. The tentative settlement is contingent on obtaining a channeling injunction in favor of the Twistars Defendants through USAG’s reorganization in the Bankruptcy Court. If the Twistars Defendants are able to obtain an appropriate channeling injunction through USAG’s reorganization, the parties are expected at that time to stipulate to with-prejudice dismissals of all claims and counts against the Twistars Defendants. If an appropriate channeling injunction is not entered, the parties would expect to return to this Court after the bankruptcy stay is lifted to orally argue the pending motions to dismiss.

**C. Status of Cases Against USOC**

6. Pursuant to the Agreed Stipulation and Order, each member case to the lead case (1:17-cv-00029) in which USOC is a defendant has been stayed as to USOC. Plaintiffs, USOC,

USAG, and others are in the process of selecting a mediator to assist in exploring the possibility of a global resolution of the claims brought in this Court and other courts outside of the United States District Court for the Western District of Michigan.

**D. Status of Cases Against MSU Defendants**

7. On January 30, 2019, this Court entered a Stipulated Order in the lead case (1:17-cv-00029) extending the stay of certain consolidated and related cases and any additional consolidated or related cases filed on or after August 17, 2018, as against the MSU Defendants, pending mediation ordered by the Michigan Court of Claims in parallel proceedings. (ECF No. 929.)

8. On February 20 and 21, 2019, MSU and plaintiffs participated in mediation facilitated by Hon. Steven W. Rhodes. Following the mediation, MSU and plaintiffs continued to engage in settlement discussions in good faith. Although some cases were resolved, settlement discussions failed to achieve complete resolution of the cases pending before this Court.

9. The cases that are not yet entirely resolved as to the MSU Defendants are:

1:18-cv-00694	1:18-cv-00984	1:18-cv-01035
1:18-cv-00734	1:18-cv-00987	1:18-cv-01036
1:18-cv-00758	1:18-cv-00993	1:18-cv-01038
1:18-cv-00773	1:18-cv-00995	1:18-cv-01039
1:18-cv-00806	1:18-cv-00998	1:18-cv-01042
1:18-cv-00822	1:18-cv-00999	1:18-cv-01045
1:18-cv-00828	1:18-cv-01004	1:18-cv-01046
1:18-cv-00829	1:18-cv-01005	1:18-cv-01047
1:18-cv-00831	1:18-cv-01006	1:18-cv-01056
1:18-cv-00842	1:18-cv-01008	1:18-cv-01057
1:18-cv-00851	1:18-cv-01010	1:18-cv-01058
1:18-cv-00886	1:18-cv-01012	1:18-cv-01060
1:18-cv-00913	1:18-cv-01016	1:18-cv-01169
1:18-cv-00915	1:18-cv-01018	1:18-cv-01258
1:18-cv-00922	1:18-cv-01019	1:18-cv-01296
1:18-cv-00944	1:18-cv-01023	1:19-cv-00070
1:18-cv-00968	1:18-cv-01025	1:19-cv-00178
1:18-cv-00978	1:18-cv-01027	
1:18-cv-00982	1:18-cv-01031	

10. MSU is continuing to engage in settlement discussions with plaintiffs; however, parallel proceedings in the Court of Claims are moving forward.

11. Pursuant to this Court's order instructing the parties to submit a proposed scheduling order addressing the scheduling of litigation activities should the mediation fail to achieve a complete resolution of cases, on April 18, 2019, MSU and plaintiff representatives met and conferred regarding a stipulated schedule for litigation.

12. The parties were unable to reach an agreement on a schedule.

13. Pursuant to Fed. R. Civ. P. 16(a), MSU hereby requests a scheduling conference for the purpose of setting a schedule for the MSU Defendants' response to the complaints in the cases pending before this Court, and if necessary, engaging in subsequent discovery and litigation.

Dated: May 2, 2019

Respectfully submitted,

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*Attorneys for Defendant USA Gymnastics, Inc.,  
signing on to Paragraph 4 only*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/ Amy L. Van Gelder  
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